



THE LAW ON AMENDING ARTICLES 1, 19, 19¹, 20, 21, 22, 23, 24, 25, 26, 27, 28 AND SUPPLEMENTING NEW ANNEX NO. 1 AND ANNEX NO. 2 AND AMENDING THE ANNEX OF THE LAW ON THE PRINCIPLES OF TRANSPORT ACTIVITIES OF THE REPUBLIC OF LITHUANIA NO. I-1863

23 June 2016 No. XII-2483
Vilnius

Article 1. Amendment of Article 1

Paragraph 3 of Article 1 shall be amended and set forth to read as follows:

“3. Provisions of this Law have been coordinated with the legal acts of the European Union, listed in Annex No. 3 to this Law.”

Article 2. Amendment of Article 19

Paragraph 2 of Article 19 shall be amended and set forth to read as follows:

“2. Under the request of the State Border Guard Service under the Ministry of the Interior (hereinafter referred to as State Border Guard Service), implementing the policy of the state at the fields of state border safety and state border crossing control ascribed to the Minister of the Interior, the carrier is bound to implement one of the following items:

- 1) to transport the foreigner to the foreign state, which the foreigner has come from, at the expense of the carrier;
- 2) to transport the foreigner to the foreign state, which has issued the travel document, at the expense of the carrier;
- 3) to transport the foreigner to the foreign state, the foreigner has been granted the permission to enter, at the expense of the carrier.”

Article 3. Amendment of Article 19¹

Article 19¹ shall be amended and set forth to read as follows:

“Article 19¹. The obligation of the carriers, engaged in transportation of passengers by air, to provide the information

1. A carrier, engaged in transportation of passengers by air, must provide an authorised institution indicated in Paragraph 2 of this Article with ticket booking and departure control, passenger flight data provided for in Annex No. 1 to this Law about the passengers arriving to the territory of the Republic of Lithuania or departing the state via air routes free of charge and

via electronic means of communication not later than within 48 hours before the flight time scheduled in the timetable and immediately after the passenger boarding gates are closed, but not later than when the flight is initiated.

2. The authorised institution shall be a police institution or structural subdivision thereof authorised under the order of the Lithuanian police Commissioner General. Officers delegated by the State Border Guard Service and the State Security Department of the Republic Lithuania (hereinafter referred to as the State Security Department), authorised to implement the functions, related to managing the data referred to in Annex No. 1 to this Law, shall be considered representatives of the authorised institution.

3. The data referred to in Annex No. 1 to this Law shall be managed for the purposes of prevention, detection, investigation and criminal prosecution for terrorist offences and criminal activities associated with terrorism, as well as serious and grave criminal acts, as the latter are defined under the Criminal Code of the Republic of Lithuania.

4. The State Security Department shall manage the data referred to in Items 1.1, 1.2, 1.3, 1.4, 1.5, 2.3 and 2.4 of Annex No. 1 to this Law related to the foreigners, arriving to the territory of the Republic of Lithuania from countries, which are not Member States of the European Union, in order to fight illegal migration and to strengthen the border control.

5. When assessing the passengers before their arrival to the Republic of Lithuania or departing the state, the data referred to in Annex No. 1 to this Law are automatically referred to the data, managed by the state and institutional registers, information systems, in order to prevent, detect, investigate or ensure criminal prosecution for terrorist offences or serious and grave criminal acts, as well as in order to search for the suspected, accused, convicted and missing persons or persons who are on the Schengen information system. The passengers shall be assessed following target, proportional, specific, non-discriminatory criteria predetermined in advance and ratified following the procedure established by the Lithuanian police Commissioner General. In case of a positive result, the data shall be reviewed separately by the authorised institution following a non-automated procedure.

6. The data referred to in Annex No. 1 to this Law shall be administered under the informational system established following the procedures defined under the legal acts and shall be stored for the period of 5 years. The data referred to in Items 1.2, 1.4 and 1.5 and Paragraph 3 of Annex No. 1 to this Law is depersonalised and disguised within 6 months after the data is recorded into the information system, except for the cases, when the respectful data shall be used in specific order to prevent, detect, investigate or ensure criminal prosecution for terrorist offences or serious and grave criminal acts. The data provided by the air carrier which is not

defined as exclusive in Annex No. 1 to this Law and other data of personal nature shall be deleted from the information system immediately.

7. The data referred to in Annex No. 1 to this Law or the results of managing such data shall be provided by the authorised institution to the competent institutions referred to in Annex No. 2 to this Law or to authorised institutions of other states or to European Police Bureau (Europol) under reasoned application only in order to prevent, detect, investigate or ensure criminal prosecution for terrorist offences or serious and grave criminal acts. The data referred to in Annex No. 1 to this Law or the results of managing such data shall be provided by the authorised institution to the third parties only after a separate assessment of every single case, following the provisions established under this Article and the Law on Legal Protection of Personal Data of the Persons, Managed while Implementing the Cooperation between the Police and the Courts in Criminal Cases, of the Republic of Lithuania. The provisions, methods and procedures on providing and using the data, referred to in Annex No. 1 to this Law are established by the Government of the Republic of Lithuania.

8. The data referred to in Annex No. 1 to this Law shall be provided to the authorised institution and managed following the procedure established by the Lithuanian Police Commissioner General.

9. A carrier, engaged in transportation of the passengers via air routes, shall be bound to notify the passengers about the intended management of their personal data, referred to in Paragraph 1 of this Article, in accordance with the procedure established under Article 24 of the Law on Legal Protection of Personal Data of the Republic of Lithuania.

10. A passenger's rights concerning the management of personal data shall be exercised following the procedure established under the Law on Legal Protection of Personal Data of the Republic of Lithuania.

11. The persons, who violate provisions on managing the data shall be held liable in accordance with the laws.”

Article 4. Amendment of Article 20

Article 20 shall be amended and set forth to read as follows:

“Article 20. Liability of the Carriers

1. The carriers, engaged in transportation of the passengers via air or sea routes, or those transporting groups of passengers by land using international itineraries of special or charter buses, and thus bringing the foreigners into the territory of the Republic of Lithuania crossing the state border, shall be bound to ensure, that the said passengers have the travel documents necessary for entering the Republic of Lithuania. The carriers shall be entitled to check travel

documents of the passengers in order to ascertain the documents necessary for entering the Republic of Lithuania are possessed.

2. In case State Border Guard Service determines, that the foreigner transported by the carrier referred to in Paragraph 1 of this Article has no travel documents, which are necessary in order to enter the Republic of Lithuania, a fine shall be imposed upon the carrier amounting from three thousand one hundred eighty six to five thousand two hundred fourteen Euros for every single foreigner transported without the necessary documents.

3. Investigation of the violations established under Paragraph 1 of this Article shall not be initiated or terminated in case of previous initiation and no fine shall be imposed, in case the transported foreigner is seeking the asylum in the Republic of Lithuania, in accordance with the Law on Legal Status of Foreigners of the Republic of Lithuania.

4. In case a police institution establishes that the carrier referred to in Paragraph 1 of Article 19¹ of this Law did not provide any or did not provide all the necessary or provided false data referred to in Annex No. 1 to this Law or the said data was provided later than within the term established under Paragraph 1 of Article 19¹ of this Law, a fine shall be imposed upon the carrier amounting from three thousand one hundred eighty six to five thousand two hundred fourteen Euros for every flight, during which the passengers were transported.”

Article 5. Amendment of Article 21

Article 21 shall be amended and set forth to read as follows:

“Article 21. Protocol on violation of the law, terms for investigation of the cases and imposing the fines

1. A protocol on violation of the law is filled, in case employees (officers) authorised by a police institution identify an violation of the requirements established under Paragraph 1 of Article 19¹ of this Law or employees (officers) authorised by the State Boarder Guard Service identify a violation of the requirements established under Paragraph 1 of Article 20 of this Law. This protocol includes the date and location of filling it, position, name and surname of the person filling the protocol, name of the carrier, location, date and essence of this violation of the law, the Article of this Law and the provision thereof, for violation of the requirements of which the carrier is suspected, names, surnames, addresses of places of residence of the witnesses and victims, if any, explanation of the carrier, other information, essential for investigating the case.

2. The protocol referred to in Paragraph 1 of this Article accompanied by the notification referred to in Paragraph 1 of Article 23 of this Law shall be submitted to the carrier following the procedure established under Paragraph 3 of Article 23 of this Law.

3. The cases related to violation of the requirements established under Paragraph 1 of Article 20 of this Law shall be investigated by the State Border Guard Service and the cases related to violation of the requirements established under Paragraph 1 of Article 19¹ of this Law shall be investigated by the police institution and the respective fines imposed not later than within 30 work days after the day on which the violation of the requirements established under this Law are detected.

4. No fine shall be imposed upon the carrier, in case more than two years have passed since the day on which the violation of the requirements of this Law was committed. After the said term passes, the investigation of a case concerning the violation of the requirements of this Law shall not be initiated, while a previously initiated investigation shall be terminated.”

Article 6. Amendment of Article 22

Paragraph 1 of Article 22 shall be amended and set forth to read as follows:

“1. When the cases related to violations of the requirements established under Paragraph 1 of Article 19¹ or Paragraph 1 of Article 20 of this Law are heard, the following participants of the proceedings shall be present:

- 1) the carrier who committed the violation of this Law;
- 2) under the decision of the State Border Guard Service or police institution – other persons, whose interests are directly related to the case heard;
- 3) under the request of these institutions – representatives of state and municipal institutions;
- 4) under the decision of the State Border Guard Service or police institution – experts, specialists and other persons, who possess the information related to the case heard or other data significant for the investigation of the case.”

Article 7. Amendment of Article 23

Article 23 shall be amended and set forth to read as follows:

“Article 23. Notification about investigation of the case

1. Parties of the proceedings shall be notified in written about the identified violations of Paragraph 1 of Article 19¹ or paragraph 1 of Article 20 of this Law not later than within 14 working days until investigation of the case, location and time of the of investigation of the case, it shall also be suggested to get acquainted with the material of the case, to submit the explanations in written form.

2. Other participants of the proceedings are notified about the location and time of investigation of the case not later than within 8 working days until investigation of the case.

3. A notification about the location and time of investigation of the case shall be deemed appropriate, when the notification is sent by registered mail to the address of the office of the party of the proceedings indicated at the Register of Legal Persons, except for the cases, whereas the party of the proceedings indicates another address for delivering the correspondence, or when the notification is sent to the electronic mail delivery address indicated by the party of the proceedings at the Register of Legal Persons, or when the notification is delivered to the party of the proceedings or another participant of the proceedings under signature, or when the notification is sent to the parties of the proceedings or other participants of the proceedings by registered mail to their declared place of residence or to another address indicated by them in written.”

Article 8. Amendment of Article 24

Article 24 shall be amended and set forth to read as follows:

“Article 24. Case Investigation

1. An investigation of a case shall take place when the parties to the proceedings and other participants thereto participate.

2. In the course of the investigation of a case the parties to the proceedings and other participants are entitled to get familiar with the material collected in the case, produce oral or written explanations, give evidence and file requests. In the event that witnesses are interviewed during the investigation of the case, the carrier is entitled to pose questions to them, suggest their own witnesses and give other evidence. If new evidence is provided in the course of the investigation of the case, the carrier has a right to get familiar with it no later than within 5 working days since its provision and to give their own explanations with reference to it.

3. In the event that the parties to the proceedings or other participants to the proceedings do not participate in the course of the investigation of the case, the case may be investigated only when there is some information indicating that the parties to the proceedings or other participants to the proceedings were duly advised of place and time of the case investigation and also given a right to get familiar with the case material and give explanations and the parties to the proceedings as well as other participants to the proceedings do not file any documents certifying significant reasons not to participate in the proceedings. Being on holiday, a business trip or other occupation shall not be deemed to be significant reasons; engagement of the authorized representative of the party in other cases is not usually deemed to be a significant reason either.

4. The investigation of the case shall be open to the public. The State Border Guard Service or a police agency may declare the sitting of the investigation of the case or its part to be closed to the public on their own initiative or upon the request of the parties to the proceedings

or other participants to the proceedings in the event that it is necessary to protect a state secret or a or professional secret, or a commercial secret of the carrier.“

Article 9. Amendment of Article 25

Article 25 shall be amended and set forth to read as follows:

“Article 25. Post-investigation Decisions

1. Having investigated the case, the State Border Guard Service or a police agency are entitled to make a decision:

1) to impose a fine;

2) to refuse to impose a fine and dismiss the case where no violations of the requirements defined under Paragraph 1 of Article 19¹ or Article 20 of this Law occurred.

2. Having the case been investigated, a resolution shall be drawn up. It shall include the name of the authority which made the decision, date and place of the investigation of the case, the decision made and deadlines and procedures to appeal against it. If the decision was made as it is laid down in Point 1 of Paragraph 1 of this Article, the resolution shall include supplementary data on the carrier that violated the requirements of this Law, circumstances of the violation of the requirements of this Law, proof of guilt of the carrier that violated the requirements of this Law which the resolution has been based on, the provision of the article of this Law defining liability for the violation of the requirements of this Law, explanations of the carrier that violated the requirements of this Law and their evaluation.

3. The resolution of the State Border Guard Service or a police agency shall be sent to the carrier that violated the requirements of this Law within the period of 2 days since it has been made.“

Article 10. Amendment of Article 26

Article 26 shall be amended and set forth to read as follows:

“Article 26. Fining of the Carriers upon their Violation of the Requirements of this Law“

1. The specific amount of the fine imposed shall be based on the average rate of the minimum and maximum amount of the fine as the sanction defines with reference to the circumstances mitigating and aggravating the liability set out in Paragraph 2 and Paragraph 3 of this Article. If mitigating circumstances exist, the amount of the fine shall be reduced from the average to the minimum amount and if aggravating circumstances exist, the amount of the fine shall be increased from the average to the maximum amount. If both circumstances mitigating and circumstances aggravating the liability exist, the fine shall be imposed with reference to their

number and significance. The reduction of the amount of the fine or its increase shall be reasoned in the resolution indicated in Paragraph 2 of Article 25 of this Law.

2. Circumstances mitigating the liability shall be considered to be the following:

1) assistance of the carrier provided to the State Border Guard Service or a police agency in the course of the investigation of the violation of the requirements provided for in this Law;

2) the fact that the Law was violated due to psychological abuse or physical force.

3. Circumstances aggravating the liability shall be considered to be the following:

1) disturbance of the carrier to the State Border Guard Service or a police agency to carry out the investigation of the violation of the requirements provided for in this Law.

2) the fact that the requirements of this Law were violated making use of an emergency situation.“

Article 11. Amendment of Article 27

Paragraph 2 of Article 27 shall be amended and set forth to read as follows:

“2. The fines unpaid by the carrier that violated the requirements of this Law shall be recovered by bailiffs implementing the resolutions submitted by the State Border Guard Service or a police agency to them in accordance with the procedure defined under the Code of Civil Procedure of the Republic of Lithuania. The resolutions shall be filed to the bailiffs for execution no later than within the period of 20 working days since the deadline to pay the fine.“

Article 12. Amendment of Article 28

Article 28 shall be amended and set forth to read as follows:

“Article 28. Appealing against Resolutions on Fine Imposition

1. Having violated the requirements of this Law and disagreeing with the resolution on the imposition of the fine adopted by the State Border Guard Service or a police agency, the carrier may appeal against it in accordance with the order defined under the Law on Administrative Proceedings of the Republic of Lithuania.

2. Filing of an appeal to an administrative court shall suspend the implementation of the resolution on the imposition of the fine adopted by the State Border Guard Service or a police agency.“

Article 13. Supplementation of the Law with new Annex No. 1

The Law shall be supplemented with new Annex No. 1:

“Annex No. 1 to
The Law on the Principles of the
Activities of Transport of the

TICKET ORDER AND DEPARTURE CONTROL, PASSENGER FLIGHT DATA

1. Passenger data (every single passenger):
 - 1.1. unique code of passenger name record (PNR);
 - 1.2. name(s), surname(s), date of birth, sex;
 - 1.3. nationality;
 - 1.4. data of the visa or another document, validating the right to stay in the country (type, number, date of issue, issuing authority, date of expiry);
 - 1.5. data of the travel document (type, number, issuing country, date of expiry);
 - 1.6. contact address data (country, place of residence, street, number of the house and flat, postal code);
 - 1.7. contact data (e-mail address, telephone number);
 - 1.8. passenger registration time, plane boarding status (arrived, did not arrive).
2. Ticket data (every single ticket):
 - 2.1. ticket number;
 - 2.2. ticket booking or confirmation date, ticket class;
 - 2.3. the actual air carrier executing the flight (name, code);
 - 2.4. flight data (number, departure date, arrival date, information, where from or where to the flight is executed (final destination), where from or where to the flight is executed (intermediate destination), difference between the arrival and departure);
 - 2.5. checked baggage data (number, units, weight, special baggage, additional baggage);
 - 2.6. seat number (at ticket purchase or booking and during the flight);
 - 2.7. unique recognition code of the travel agency, travel agent, which booked the ticket, or another economic entity, which sold the ticket.
3. Payment data:
 - 3.1. type of payment (in cash, by payment card, via bank transfer);
 - 3.2. sum (in Euros);
 - 3.3. payer data (name, surname, place of residence data, name, address of the office, e-mail address, telephone number);
 - 3.4. payment card data (type, number, date of expiry, name and surname of the owner, card name).”

Article 14. Supplementation of the Law with Annex No. 2

The Law shall be supplemented with Annex No. 2:

“Annex No. 2 to
The Law on the Principles of the
Activities of Transport of the
Republic of Lithuania

LIST OF COMPETENT AUTHORITIES

1. Pre-trial investigation institutions, referred to at the Code of Criminal Procedure of the Republic of Lithuania.
2. Criminal intelligence subjects, referred to at the Law on Criminal Intelligence of the Republic of Lithuania.
3. Prosecutor’s Office.
4. The courts.
5. Intelligence institutions, referred to at the Law on Intelligence of the Republic of Lithuania.”

Article 15. Amendment of the Annex to the Law

1. Former Annex to the Law shall be considered to be Annex No. 3.
2. Annex No. 3 shall be amended and set forth to read as follows:

Annex No. 3
The Law on the Principles of the
Activities of Transport of the
Republic of Lithuania

LEGISLATION OF THE EUROPEAN UNION BEING IMPLEMENTED

1. Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 (OJ, Special Edition 2004, Chapter 19, Volume 4, p. 160).
2. Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data (OJ, Special Edition 2004, Chapter 19, Volume 7, p. 74).
3. Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (OJ, 2010 L 207, p. 1).
4. Directive 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (OJ, 2016 L 119, p. 132).“

Article 16. Enactment and Implementation of the Law

1. Except for Paragraph 5 of this Article this Law shall come into force on 1 January 2017.

2. The data referred to in Items 1.6, 1.7, 2.5, 2.6 and 2.7 and Paragraph 3 of Article 13 of the Annex No. 1 to this Law, provided in Article 13 of the Law on the Principles of the Activities of Transport of the Republic of Lithuania, shall be provided to the police institution authorised by the Lithuanian police Commissioner General from 1 January 2018.

3. The cases concerning the violations of the requirements established under Paragraph 1 of Article 19¹ and Paragraph 1 of Article 20 of the Law on the Principles of the Activities of Transport of the Republic of Lithuania, initiated until 1 January 2017, shall be concluded following the procedure, which was valid before this Law came into force, excluding the exception referred to in Paragraph 4 of this Article.

4. The provision of Paragraph 4 of Article 21 of this Law, provided in Article 5 of the Law on Principles of the Activities of the Law of the Republic of Lithuania, shall be shall also be applicable when investigation the cases concerning the violations of the requirements established under Paragraph 1 of Article 19¹ and Paragraph 1 of Article 20 of the Law on the Principles of the Activities of Transport of the Republic of Lithuania, committed until 1 January 2017, when the investigation of the cases concerning the said violations were not concluded.

5. The Government of the Republic of Lithuania and the Lithuanian police Commissioner General shall adopt legal acts on the implementation of this Law until 31 December 2016.

6. The European Law Department under the Ministry of Justice of the Republic of Lithuania shall notify the European Commission about the application of the Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime for the purposes of internal flights in the European Union and provides the list of competent authorities, established under Annex No. 2 to this Law, provided in Article 14 of the Law on Principles of the Activities of Transport of the Republic of Lithuania, the Ministry of the Interior of the Republic of Lithuania shall notify the established subdivision on passenger data or about rendering the functions of collecting the information about the passengers to a certain subdivision of a competent authority.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.